

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Board of Trustees of the Plumbers, Pipefitters &
Mechanical Equipment Service, Local Union
No. 392 Pension Fund, et al.,

:

Plaintiff(s),

:

Case Number: 1:11cv502

vs.

:

Judge Susan J. Dlott

GM Mechanical, Inc., et al.,

:

Defendant(s).

:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on December 6, 2013 a Report and Recommendation (Doc. 49). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 51) and the plaintiff filed a response to the objections (Doc. 52).

The Magistrate Judge also filed with the Court on June 13, 2014 a Report and Recommendation (Doc. 64) to which no objections were filed.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Recommendations should be adopted.

Accordingly, the Court ORDERS plaintiff's motion for Summary Judgment against Defendants discussed in the December 2013 Report and Recommendation, (Doc. 41) is **GRANTED** and judgment is entered in favor of plaintiffs in the amount of \$102,692.95.

The Court also finds based on the June 2014 Report and Recommendation that judgment be entered partially in favor of the Union, to the extent that no E&S subsidies are owed for the Maple Street Station or Crosley Tower Projects, and partially in favor of GM Mechanical, to the extent that the Union owes GM Mechanical \$38,314.50 in E&S subsidies for the Cincinnati Public School projects. In light of the prior December 2013 Report and Recommendation and judgment, and under the Court's equitable powers, the Union shall pay to plaintiffs \$38,314.50, thereby reducing the judgment of \$102,692.95 awarded to plaintiffs from defendant GM Mechanical to \$64,378.45.

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court